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C O N F I D E N T I A L ABU DHABI 05241

SIPDIS
CXABU:
ACTION: POL
INFO: LEGAT ICE MEPI P/M ECON RSO AMB DCM

DISSEMINATION: POL
CHARGE: PROG

APPROVED: CDA:MQUINN
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FM AMEMBASSY ABU DHABI
TO RUEHC/SECSTATE WASHDC PRIORITY 2972
INFO RUEHDE/AMCONSUL DUBAI 5668

C O N F I D E N T I A L SECTION 01 OF 02 ABU DHABI 005241

SIPDIS

E.O. 12958: DECL: 12/28/2015
TAGS: [PREL](#) [PGOV](#) [KTFN](#) [AE](#)
SUBJECT: UAE PENAL CODE AMENDED TO REFLECT SECURITY CONCERNS

REF: A. ABU DHABI 4468
[1](#)B. ABU DHABI 5171

Classified By: CDA MARTIN QUINN, FOR REASONS 1.4 (B) & (D).

[1](#)1. (C) Summary: On December 24, the Emirates News Agency, the Ministry of Information's official website, announced that President Sheikh Khalifa bin Zayed al Nahyan had issued Federal Law No. 34 for 2005 amending a range of Articles in the Federal Penal Code. The Khaleej Times quotes Mohammed bin Nakhira al Dhahiri, Minister of Justice, Islamic Affairs and Endowments as saying that the law involves amending articles that relate to the punishment of "those harming state security." Of particular interest are amendments to Articles 21, 180, 224, and 237 which address the criminalization of money laundering, trafficking in persons, jeopardizing national unity or social peace, and bribery of officials. The new law apparently did not go through the normal ratification process beginning with consultation with the Federal National Council (FNC), which is not yet in session, but was issued by the President and ratified by the Supreme Council in the FNC's absence. End Summary.

Article 21) Trafficking, Terrorism, & Money Laundering

[1](#)2. (C) Article 21 (as amended) states that the Penal code applies to anyone present in the UAE after committing a crime outside the UAE for piracy, trafficking in either drugs or persons, international terrorism, or money laundering. While existing law broadly deals with these issues, it is important to note that the new law grants clear authority to arrest and prosecute persons committing any of the above-mentioned crimes outside the UAE once they are present in the UAE. (Comment: In recent months, Central Bank officials have told Washington and Embassy officials that UAE law did not allow the Central Bank to investigate account transactions, unless there was evidence that UAE financial institutions or account holders broke UAE law (refs A and B). Embassy will continue to engage the Central Bank to see if it interprets the

amended Penal Code to allow investigations based on illegal activity abroad.)

Article 180) Civil Rights

14. (C) Amendments to Article 180 provide for imprisonment of any person who sets up a society, organization or group with the intention of overthrowing the government, obstructing the constitution or laws, undermining the pillars of government, or jeopardizing national unity or social peace. While the intention may be to close loopholes regarding terrorists and extremist organizations, several lawyers and social activists have expressed concern about the "overly broad language." According to UAE activist Mohammed al Roken, a recent president of the Jurists Association and moderate Islamist who has filed for recognition of an independent human rights NGO, the new law could be used to silence any group, civil association, or organization that criticizes the government or which calls for social change.

15. (C) Sharla Musabih (a UAE citizen but AmCit by birth), who runs an unlicensed NGO, the City of Hope, told PolOff that the greatest fear that she has is not the Federal Government's intent with this law, but the potential for abuse by local police and prosecutors. She added that while courts may eventually throw out cases found un-related to State security, the chilling effect on civil society may be the same. Others agreed that the language of the law very likely does not represent a government crackdown on civil society, and suggested that it may simply be wording borrowed from the Egyptian legal system that the drafters were familiar with. Punishment for organizing an offending organization is imprisonment up to 15 years, and up to 10 years for joining or supporting such a group.

Articles 224 and 237) Bribery

16. (C) Article 224 (as amended) stipulates that a public servant convicted of embezzlement shall be subject to imprisonment for a minimum of five years if the crime is connected to counterfeiting. Article 237 imposes a minimum term of one-year for accepting a bribe, while anyone convicted of attempting to bribe a public servant may be imprisoned for up to five years.

Ratification

17. (C) The new law was issued by the President and ratified by the Supreme Council although the Federal National Council (FNC) is not in session. Three lawyers who follow the FNC, told PolOff that they were not aware of these specific amendments being discussed in last year's session. It was explained that although the FNC is strictly a consultative body, they normally are involved in the passage of new laws, but not always. In this instance the FNC will be notified of the penal code amendments that were enacted in its absence.

18. (C) Comment: The available text is both incomplete and unclear in several respects. The new law will not be published in the official gazette until sometime in January. No Central Bank or Ministry of Justice officials were available or prepared to comment on the amendments to the Penal Code. The Embassy will follow up with the Central Bank and the Ministry of Justice to clarify the questions raised.
End Comment.

QUINN